

## REMARKS

### Restriction Requirement:

In response to the restriction requirement initially discussed with Ronald S. Henderson on March 29, 2004 and as set forth in the Office Action mailed April 2, 2004, Applicant affirms the provisional election of Mr. Henderson with traverse to prosecute the invention of Group II, claims 18-32.

As indicated by the Examiner, claims 9-17 have been withdrawn from further consideration as being drawn to a non-elected invention. Applicant has canceled claims 9-17 without prejudice or disclaimer of the subject matter contained therein. Applicant reserves the right to pursue these non-elected claims in future divisional applications.

### Amendments to the Specification:

As requested by the Examiner, Applicant has amended the paragraph beginning at page 1, line 4 to reflect the status of the parent applications. As noted, the present application is a division of U.S. Patent No. 6,637,049.

As further requested by the examiner, the paragraph beginning at page 4, line 6 has been amended to change reference numeral “53” to reference numeral --51--.

### Rejections Under 35 U.S.C. § 112, second paragraph:

Reconsideration of the rejection of claim 25 as being indefinite under 35 U.S.C. § 112, second paragraph, is requested.

In the rejection, the Examiner stated that “[t]he claim is unclear as to whether the ‘hospital room’ and ‘hospital bed’ are intended to be part of the claimed combination since structure of the ‘personal care module’ is defined as being connected thereto (Ins. 6-7), but no positive structural antecedent basis therefor has been defined.” Applicant does not intend the

hospital room or the hospital bed to be part of the claimed combination and has, therefore, amended claim 25 to reflect the same. For example, claim 25 has been amended to clarify that the toilet and washing station are movable between a first position “configured to extend” alongside the room wall and a second position “configured to extend” alongside the hospital bed.

In view of such amendment made to independent claim 25, reconsideration of this rejection is respectfully requested.

Rejections Under 35 U.S.C. § 102(b):

**A. The Hubert Reference: U.S. Patent No. 877,196:**

Reconsideration of the rejection of claims 18-23 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 877,196 to P.G. Hubert (hereinafter Hubert) is requested.

Hubert discloses a recess 10 “equipped with utilities for use as a bath room” such as a bath tub 25, a closet fixture 26, and a wash bowl 27. The wash bowl 27 is “mounted in a box 28 which is adapted to slide on inclined guide ways 29 on either side of closet 26.” The bottom of box 28 “will engage with and rest upon the closet seat when the wash bowl is moved forwardly.” Further, “[d]ischarge 31 from the wash bowl is then adapted to discharge into the closet fixture.” See page 1, col. 109 - page 2, col. 15.

Independent claim 18 has been amended to require that the washing station of the personal care module is “arranged to be operable in the first and second positions.”

Hubert, on the other hand, does not disclose or suggest a washing station which is operable in both a “first position to cover a toilet” and a “second position to uncover a toilet”, as claimed in claim 18 above. For example, as shown in Fig. 5 of Hubert, wash bowl 27 is positioned to uncover closet fixture 26 and in this position any water or liquids which are placed in wash bowl 27 will simply drain onto the floor of the recess 10. Further, as

discussed above with respect to Hubert, the wash bowl 27 mounted in box 28 engages and rests upon the closet seat when the wash bowl is moved forwardly over the closet seat. As stated in the specification of Hubert, “[d]ischarge 31 from the wash bowl is *then* adapted to discharge into the closet fixture.” Emphasis added. See page 1, col. 109 - page 2, col. 15. Clearly, discharge from the wash bowl is not intended to discharge onto the floor of the recess. Therefore, the wash bowl 27 of Hubert does not anticipate the washing station of the present application which is operable in *both* a “first position to cover a toilet” and a “second position to uncover a toilet” as recited in claim 18.

In view of the arguments presented above, reconsideration of the rejection of independent claim 18 is respectfully requested. Accordingly, reconsideration of this rejection as it pertains to claims 19-24, depending directly or indirectly from claim 18, is also requested.

**B. The Snowball Reference: U.S. Patent No. 2,495,201:**

Reconsideration of the rejection of claims 18, 19, and 25-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,495,201 to R. Snowball (hereinafter Snowball) is requested.

Snowball discloses a “wash basin and toilet bowl assembly in which the wash basin is mounted to swing about a vertical axis from a position directly above a fixed toilet bowl to an out-of-the-way position at one side of the toilet bowl.” See col. 1, lines 7-13. See also Figs. 1 and 2. Claim 18, however, has been amended to include the limitation of claim 20 to state that the first portion of the housing is “positioned for movement along a horizontal, longitudinal axis of the personal care module between the first position and the second position.” The Examiner did not reject claim 20 as being anticipated by Hubert and the Applicant agrees that Hubert does not disclose or suggest that any portions of the wash basin

and toilet bowl assembly are “positioned for movement along a horizontal, longitudinal axis” of the wash basin and toilet bowl assembly.

In view of the arguments presented above, reconsideration of the rejection of independent claim 18 is respectfully requested. Accordingly, reconsideration of this rejection as it pertains to claim 19, depending directly from claim 18, is also requested.

Independent claim 25 has been amended to clarify that the “toilet and the washing station” are both movable with the housing between “a first position configured to extend alongside the room wall and a second position configured to extend alongside the hospital bed.”

Snowball specifically states, however, that “[t]he bottom cabinet section 6 is a stationary section enclosing a stationary toilet bowl 9 of standard design and dimensions.” See col. 2, lines 37-39. The toilet bowl 9 disclosed in Snowball specifically does not move and is not intended to move between first and second positions. Therefore, Snowball does not anticipate a “toilet and washing station being movable with the housing between a first position . . . and a second position” as recited in amended claim 25.

In view of the arguments presented above, reconsideration of the rejection of claim 25 is respectfully requested. Accordingly, reconsideration of this rejection as it pertains to claims 26-32, depending either directly or indirectly from claim 25, is also requested.

#### **C. The Rivera Reference: U.S. Patent No. 200,480:**

Reconsideration of the rejection of claims 18-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 200,480 to G. Rivera (hereinafter Rivera) is requested.

Rivera discloses a toilet-cabinet having a sliding wash-stand *k* provided with the washbowl *l* and outlet-pipe *m* as shown in Figs. 1 and 2 and discussed within the fifth full paragraph of the second column on page 1. The toilet-cabinet also includes a water-tank *b*, provided with the outlet pipe *c* and faucet *d*. It is stated within the second full paragraph of

the first column of page 1 of Rivera that “[b]elow the writing-desk is arranged a sliding wash-stand, containing washbowl, soap-dishes, &c., which wash-stand, when drawnout, is made to rest upon the upper edges of the doors of the lower part of the cabinet.” As shown in Fig. 2, water is only able to flow from the water-tank *b* to the outlet pipe *c* and out the faucet *d* into the washbowl *l* when washbowl *l* is in the drawnout position shown in Fig. 2. Clearly, the washbowl *l* is not functional to receive water through faucet *d* from water-tank *b* when the washbowl *l* is in the position shown in Fig. 1. In fact, the washbowl *l* does not appear to be accessible to a user it is in the position shown in Fig. 1.

Independent claim 18 of the present application, however, has been amended to recite that the washing station is “arranged to be operable in the first and second positions.” It is clear from Rivera that the washbowl *l* is only operable in one position, shown in Fig. 2, and is not operable in the position shown in Fig. 1.

In view of the arguments presented above, reconsideration of the rejection of claim 18 is respectfully requested. Accordingly, reconsideration of this rejection as it pertains to claims 19-24, depending either directly or indirectly from claim 18, is also requested.

Independent claim 25 of the present application recites “a housing” as well as “a toilet carried by the housing” and “a washing station carried by the housing.” Therefore, the housing must carry both the toilet and the washing station. Further, claim 25 recites that the toilet and the washing station are movable “with the housing” between a first position and a second position.

Rivera discloses that the washbowl *l* and washstand *k* move together from a first position, as shown in Fig. 1, to a second position, as shown in Fig. 2. Further, the sliding chamber chair *o* provided with the removable chamber-bowl *p* move together from a first position, as shown in Fig. 1, to a second position, as shown in Fig. 2. However, neither the washstand *k* nor the chamber-bowl *o* can be the “housing” recited in claim 25 due to the fact

that neither the washstand *k* nor the chamber-bowl *o* carry *both* the toilet and the washing station recited in claim 25. Therefore, the structure disclosed in Rivera which reasonably reads on the “housing” limitation of claim 25 is the entire toilet-cabinet shown in Figs. 1 and 2 of Rivera. The toilet-cabinet discussed and disclosed in Rivera is not configured to move between first and second positions.

Further, independent claim 25 recites that the toilet bowl is “configured to be coupled to a drain line.” The drain line 62 is discussed at line 21 of page 4 and at lines 11, 13, 14, and 16 of page 5 of specification of the present application and is shown in Fig. 4 of the present application. The chamber-bowl *p* disclosed in Rivera is removable and is not configured to be coupled to a drain line. No drain line is shown or disclosed in Rivera. Therefore, the chamber-bowl *p* of Rivera does not anticipate the toilet configured to be coupled to a drain line of claim 25.

In view of the arguments presented above, reconsideration of the rejection of independent claim 25 is respectfully requested.

Applicant believes that the amendments made to independent claims 18 and 25, as discussed above, sufficiently overcome the anticipation rejections of the Examiner as outlined in the Office Action mailed April 2, 2004. Therefore, Applicant believes that independent claims 18 and 25 as well as dependent claims 19-24 and 26-32, depending either directly or indirectly from one of independent claims 18 and 25, are in condition for allowance. Such action is respectfully requested.

Further Action:

In the event that there are any questions related to this amendment or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for

all concerned. The Examiner is invited to call the undersigned at (317) 231-7216 to discuss any outstanding issues or concerns so that allowance of the present application may be expedited.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our file 7175-73311.

Respectfully submitted,  
BARNES & THORNBURG

  
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